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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

CLAUDE MCDANIEL ,

Defendant and Appellant.

B212403

(Los Angeles County
Super. Ct. No. BA342325)

APPEAL from a judgment of the Superior Court of Los Angeles County, William N. Sterling, Judge. Dismissed.

Linda Acaldo, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On September 11, 2008, defendant, Claude McDaniel, pled guilty to a drug charge and admitted he had previously been convicted of felonies. Defendant's probable cause certificate issuance request was denied. Because we have a duty to raise issues concerning our jurisdiction on our own motion, we issued an order to show cause concerning possible dismissal of his appeal and set the matter for oral argument. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.) Defendant has failed to fully and timely comply with both Penal Code section 1237.5 and California Rules of Court, rule 8.304(b). (*In re Chavez* (2003) 30 Cal.4th 643, 651; *People v. Mendez* (1999) 19 Cal.4th 1084, 1099; *People v. Way* (2003) 113 Cal.App.4th 733, 736.) Without a probable cause certificate, defendant cannot appeal. (*People v. Kaanehe* (1977) 19 Cal.3d 1, 8; *People v. Ribero* (1971) 4 Cal.3d 55, 61; *People v. West* (1970) 3 Cal.3d 595, 600-601; *People v. Ward* (1967) 66 Cal.2d 571, 574-576.) There is no merit to defendant's contention we should ignore the plain language of Penal Code section 1237.5, California Rules of Court, rule 8.304(b), and the foregoing California Supreme Court authority because the right to appeal is liberally construed. (*People v. Mendez, supra*, 19 Cal.4th at pp. 1097-1098 [probable cause certificate issuance requirement is to be strictly applied]; *People v. Pinon* (1979) 96 Cal.App.3d 904, 909 ["We are convinced that the purposes behind section 1237.5 will remain vital only if we insist on compliance with its procedures."].)

The appeal is dismissed.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

KRIEGLER, J.